

**STATE OF MICHIGAN
BEFORE THE MICHIGAN JUDICIAL TENURE COMMISSION**

COMPLAINT AGAINST

Hon. Brenda K. Sanders
36th District Court
421 Madison Avenue
Detroit, Michigan 48226

Formal Complaint No. 95

AMENDED FORMAL COMPLAINT

The Michigan Judicial Tenure Commission (“Commission”) files this complaint against Honorable Brenda K. Sanders (“Respondent”), judge of the 36th District Court, City of Detroit, County of Wayne, State of Michigan. This action is taken pursuant to the authority of the Commission under Article 6, Section 30 of the Michigan Constitution of 1963, as amended, and MCR 9.200 *et seq.* The filing of this complaint has been authorized and directed by resolution of the Commission.

1. Respondent is, and at all material times was, a judge of the 36th District Court, City of Detroit, County of Wayne, State of Michigan.

2. As a Judge, Respondent is subject to all the duties and responsibilities imposed on her by the Michigan Supreme Court, and is subject to the standards for discipline set forth in MCR 9.104 and MCR 9.205.

COUNT I
LACK OF MENTAL FITNESS

3. On or about December 20, 2013, Respondent sent a letter to the U.S. Attorney, Barbara McQuade requesting a federal investigation.

4. In her letter, Respondent made allegations of corruption and conspiracy against her by various individuals and entities.

5. The allegations included, but are not limited to, the following claims:

a. There had been a constant attempt to slander and defame her name by the Michigan Supreme Court and the Judicial Tenure Commission.

b. She was the target of corruption in an attempt to eliminate her from the 36th District Court bench even before she was sworn in as a judge in December, 2008.

c. In the last two years, judges have suddenly died under suspicious circumstances.

d. Judges have been murdered because they spoke out against some of the wrongs that were being committed "at this court."

e. A newspaper attempted to name her as a suspect in one of the judicial murders.

f. The Michigan Supreme Court had effectively evicted her from her residence at 115 Sand Bar Lane, Detroit, Michigan.

g. The Michigan Supreme Court refused to permit the court attorney to represent her in the writ for superintending control filed against her by the Wayne County Prosecutor's Office.

h. Judge Michael Talbot, Special Judicial Administrator of the 36th District Court, personally decided that Respondent did not need representation in the writ for superintending control case pending against her at the Wayne County Circuit Court.

i. Judge Talbot was instrumental in the current JTC investigation against her.

j. Judge Talbot had personally come into her courtroom to “threaten” her.

k. Respondent’s assignment to the criminal docket at the 36th District Court was without her consent.

l. Respondent’s medical doctors were influenced by her employer to the extent that she was “medically harmed.”

m. Respondent has delayed medical procedures because of fear that she may not make it out of the operating room.

n. All of Respondent’s email accounts, bank accounts, and cell phones have been hacked and are currently being tracked.

o. Arson was threatened against Respondent if she moved into her current residence.

p. At any given point, Respondent could be in danger.

q. She was in a desperate situation and that her life could be in danger.

6. On or about March 11, 2014, pursuant to MCR 9.207(E), the Commission requested Respondent to undergo an independent medical mental examination with Dr. Norman Miller, a Board certified psychiatrist, of Lansing, Michigan.

7. Respondent agreed to an examination with Dr. Miller, which was scheduled for April 10, 2014.

8. Respondent failed to keep the April 10, 2014 appointment.

9. Respondent's mental examination with Dr. Miller was re-scheduled for two additional dates, June 4, 2014 and June 12, 2014, with Respondent's consent.
10. Respondent failed to keep either of the appointments.
11. On July 17, 2014, the Michigan Supreme Court issued an order directing the Commission to schedule an independent medical examination for the Respondent with a psychiatrist within 30 days of the date of that order.
12. With Respondent's participation, a mental examination was scheduled with Dr. Miller for July 31, 2014.
13. Respondent failed to keep the July 31, 2014 appointment.
14. With Respondent's participation, the mental examination was re-scheduled with Dr. Miller for August 11, 2014.
15. Respondent failed to keep the August 11, 2014 appointment.
16. Based on his review of various documents, including Respondent's letter to the U.S. Attorney, Dr. Miller issued the following opinion as to Respondent's mental condition:
 - a. Respondent suffers from psychiatric symptoms that include psychotic delusions.
 - b. Respondent's delusions are paranoid in nature where she believes irrationally that she is a victim of conspiracies and plot.
 - c. As a result of her delusions, Respondent fears that she is in danger and is manipulated wrongly.

d. Respondent has carried a gun as self-protection in response to these delusions.

e. As a result of these delusions, Judge Sanders is a risk of dangerousness to harm self and others.

f. Respondent's avoidance of the mental examination may be due to her psychosis.

17. Dr. Miller further opined that:

a. Because of the current risk of dangerousness to self and others, [there is] an urgency for Judge Sanders to be evaluated for psychiatric disorders and treated accordingly.

b. Judge Sanders should not be sitting in judgment of anyone until she is determined to be free of the psychosis that renders her a danger to self and others.

c. Judge Sanders is psychotic and suffering from insane delusions, and is likely to remain so indefinitely.

18. Respondent suffers from a mental disability that has prevented, and will continue to prevent, her from being able to perform her judicial duties.

COUNT II
FRAUD IN SECURING A LONG-TERM LEAVE OF ABSENCE

19. In September of 2013, Respondent requested to be placed on a long-term medical disability leave of absence from her position on the bench of the 36th District Court for a physical "disability."

20. Respondent represented to the Human Resources Department of the 36th District Court, to Chief Judge Nancy Blount, to Judge Kenneth King, and to the State Court Regional Administrator Deborah Green that:

- a. The long-term leave of absence was necessary for Respondent to undergo a double knee replacement surgery.
- b. Immediately upon being granted a leave of absence, Respondent would begin intense physical therapy.
- c. On or before October 1, 2013, Respondent's physician would schedule dates for two surgeries on Respondent's knees.
- d. Respondent would be returning to work in January of 2014.

21. Based on those representations, Respondent was granted a medical leave of absence commencing on September 20, 2013.

22. Since September 20, 2013, Respondent failed/refused to provide any additional documentation regarding the status of her knee surgery or the medical condition of her knees.

23. Since September 20, 2013, Respondent refused/failed to answer any of the JTC's questions regarding the medical condition of her knees which she had used in support of her long term medical leave.

24. On or about March 11, 2014, pursuant to MCR 9.207(E), the Commission requested that Respondent submit to an independent medical examination with an orthopedic expert.

25. The medical/orthopedic examination was scheduled for March 31, 2014, with Dr. Stephen Mendelson, a Board certified orthopedic surgeon, and Respondent failed to bring the requested documents.

26. On May 22, 2014, Dr. Mendelson performed an orthopedic examination of Respondent's knees.

27. Dr. Mendelson's examination revealed the following:

- a. Respondent does not have an orthopedic condition for which she requires any absence of work.
- b. There is no basis for Respondent to have a leave of absence from her judicial position.
- c. Respondent's knees do not preclude her from performing her judicial duties in September of 2013 or any time thereafter.
- d. Surgery was not a necessity, an urgency, or an emergency. It was only an option.

28. Respondent's representations in support of her request for a long-term medical leave of absence were false.

COUNT III
FAILURE TO COOPERATE WITH THE JTC

29. On or about March 31, 2014, pursuant to MCR 9.207(E), the JTC requested that Respondent submit to a mental examination with Dr. Norman Miller of Lansing, Michigan.

30. An examination with Dr. Miller was scheduled for April 10, 2014.

31. Respondent failed to keep the April 10, 2014 examination appointment with Dr. Miller.

32. Respondent's mental examination with Dr. Miller was re-scheduled to June 4, 2014.

33. Respondent failed to keep the June 4, 2014 examination appointment with Dr. Miller.

34. Respondent's mental examination with Dr. Miller was re-scheduled to June 12, 2014.

35. Respondent failed to keep the June 12, 2014 examination appointment with Dr. Miller.

36. Respondent failed/refused to cooperate with a reasonable request of the Judicial Tenure Commission.

37. On July 17, 2014, the Michigan Supreme Court issued an order directing Respondent to submit to a mental examination within 30 days of the date of that order.

38. Pursuant to the Supreme Court's order, a mental examination was scheduled with Dr. Miller for July 31, 2014.

39. Respondent failed to keep the July 31, 2014 mental examination appointment with Dr. Miller.

40. Another mental examination was scheduled with Dr. Miller for August 11, 2014.

41. Respondent failed to keep the August 11, 2014 mental examination appointment with Dr. Miller.

COUNT IV **MISREPRESENTATIONS**

42. On March 28, 2014, Ms. Susina Spezia, of Dr. Mendelson's office, contacted Respondent with instructions that Respondent bring her medical records and x-rays of her knees to the March 31, 2014 orthopedic examination.

43. In her July 3, 2014 Answer to the JTC's Petition for Interim Suspension Without Pay Respondent stated that she was never instructed to bring her medical records to the March 31, 2014 examination with Dr. Mendelson.

44. That statement was false.

45. In her July 22, 2014 Answer to the Commission's 28-day letter, Respondent admitted that on March 28, 2014, she was instructed to bring her medical records and x-rays of her knees to the March 31, 2014 appointment with Dr. Mendelson.

46. In her July 22, 2014 Answer to the Commission's 28-day letter, Respondent also claimed that on March 31, 2014, she provided Dr. Mendelson with her medical records from Dr. Schmidt and with the x-rays of her knees and that she

did not know why the March 31, 2014 orthopedic examination was not performed on that date.

47. That statement was false. On March 31, 2014, Respondent did not provide any medical records to Dr. Mendelson, causing the examination to be postponed.

48. In her July 3, 2014 Answer, Respondent admitted that she did not provide Dr. Mendelson with any medical records or x-rays of her knees for the March 31, 2014 orthopedic examination and that the lack of those records caused the postponement of the orthopedic examination.

49. In her July 3, 2014 Answer to the Commission's Petition for Interim Suspension Without Pay and her July 22, 2014 Answer to the Commission's 28-day letter, Respondent stated that she could not keep her April 10, 2014 mental examination with Dr. Miller because her knee surgery was scheduled for the same date.

50. Those statements were false. Respondent's knee surgery was not scheduled for April 10, 2014.

51. In her July 3, 2014 Answer to the Commission's Petition for Interim Suspension Without Pay and her July 22, 2014 Answer to the Commission's 28-day letter, Respondent stated that her April 10, 2014 knee surgery was not performed

because her physician decided that instead of doing surgery, he would engage in extensive physical therapy.

52. In the same Answer, Respondent stated that her physical therapy, which she advised Dr. Mendelson on May 22, 2014, consisted of two, eight-week long, sessions, started on April 10, 2014.

53. Those statements were false.

54. In her July 3, 2014 Answer to the Commission's Petition for Interim Suspension Without Pay and her July 22 2014 Answer to the Commission's 28-day letter, Respondent stated that she has been, and continued to be, willing to make herself available for a psychiatric evaluation with Dr. Miller.

55. That statement was false.

The conduct described in the above paragraphs, if true, may constitute:

- (a) Mental disability which prevents the performance of judicial duties as defined by the Michigan Constitution 1963, Article VI, Section (2).
- (b) Mental disability that prevents the performance of judicial duties as defined by MCR 9.205 (B).
- (c) Misconduct in office, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30, and MCR 9.205.

- (d) Conduct clearly prejudicial to the administration of justice, as defined by the Michigan Constitution of 1963, as amended, Article 6, Section 30, and MCR 9.205.
- (e) Failure to establish, maintain, enforce, and personally observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, contrary to the Code of Judicial Conduct, Canon 1.
- (f) Irresponsible or improper conduct which erodes public confidence in the judiciary, in violation of the Code of Judicial Conduct, Canon 2A.
- (g) Conduct involving impropriety and the appearance of impropriety, in violation of the Code of Judicial Conduct, Canon 2A.
- (h) Failure to respect and observe the law and to conduct herself at all times in a manner which would promote the public's confidence in the integrity and impartiality of the judiciary, contrary to the Code of Judicial Conduct, Canon 2B.
- (i) Conduct which is prejudicial to the proper administration of justice, in violation of MCR 9.104(1).
- (j) Conduct which exposes the legal profession or the courts to obloquy, contempt, censure, or reproach, in violation of MCR 9.104(2).

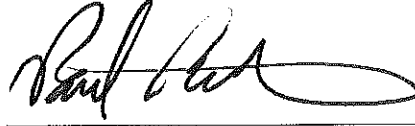
- (k) Conduct which is contrary to justice, ethics, honesty or good morals, in violation of MCR 9.104(3).
- (l) Conduct that violates the standards or rules of professional conduct adopted by the Supreme Court, contrary to MCR 9.104(4).
- (m) Conduct that violates a criminal law of a state or of the United States, contrary to MCR 9.104(5).
- (n) Lack of personal responsibility for her own behavior and for the proper conduct and administration of the court in which the judge presides, contrary to MCR 9.205(A).
- (o) Conduct in violation of Michigan's Obtaining Money under False Pretenses, MCL 750.218.

Pursuant to MCR 9.209, Respondent is advised that an original verified answer to the foregoing complaint, and nine copies thereof, must be filed with the Commission within 14 days after service upon Respondent of the complaint. Such answer shall be in a form similar to the answer in a civil action in a circuit court and shall contain a full and fair disclosure of all the facts and circumstances pertaining to Respondent's alleged misconduct and disability. The willful concealment, misrepresentation, or failure to file such answer and disclosure shall be additional grounds for disciplinary action under the complaint.

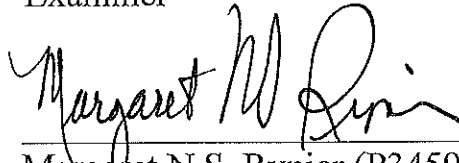
**JUDICIAL TENURE COMMISSION
OF THE STATE OF MICHIGAN**

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